

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSHUA RYAN MEDLEY and
SAMANTHA ANN YEARY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACY KIM LEE,

Respondent-Appellant.

UNPUBLISHED
February 15, 2005

No. 256585
Wayne Circuit Court
Family Division
LC No. 01-397519 NA

Before: Talbot, P.J., Whitbeck, C.J., and Jansen, J.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). The principal conditions leading to adjudication were respondent's substance abuse and mental health problems. The evidence established that these conditions continued to exist and the psychiatrists agreed that respondent mother's prognosis was guarded to poor. In addition, although respondent had adequate housing, her home environment was not stable because of her frequent psychiatric hospitalizations and substance abuse and because she allowed inappropriate people to care for her children. During the period of time that the children lived with respondent, their poor school attendance and the protective services complaints made were further evidence that she did not and could not provide proper care and custody for her children.

While it is not clear what "other conditions" the trial court found had been established, any error in finding that MCL 712A.19b(3)(c)(ii) had been established was harmless. Only one statutory ground need be proven by clear and convincing evidence to terminate parental rights, and other grounds were proven by clear and convincing evidence. MCL 712A.19b(3); *Trejo*, *supra* at 351.

The trial court also did not clearly err in its best interests determination. During the one-year period in which the children were returned to respondent's custody, Joshua attended school

only forty-two percent of the time, respondent was psychiatrically hospitalized, and there were five protective service referrals regarding respondent's substance abuse and letting others care for the children. Although both children have a bond with their mother and stated that they wished to live with her, their behavior and grades improved while they were living in foster care. There was ample evidence to support the trial court's best interests determination.

Affirmed.

/s/ Michael J. Talbot
/s/ William C. Whitbeck
/s/ Kathleen Jansen